

REMARKS

Favorable consideration and allowance are requested for claims 1-4, 6-14, and 16-21 in view of the following remarks.

Status of the Application

Claims 1-4, 6-14, and 16-21 are pending in this application. Claims 1-4, 7, 10-12, 17, 19, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Publication No. 579,508 A1 to Seyfang (the “Seyfang publication”). Claims 5, 6, 8, 9, 14-16, 18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Seyfang publication in view of U.S. Patent No. 4,700,912 to Corbett (the “Corbett patent”). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Seyfang publication in view of U.S. Patent No. 3,196,822 to Bertin (the “Bertin patent”). Claims 5 and 15 have been canceled. Claims 1-4, 6-14, and 16-21 have been amended.

Preliminary Amendment of December 5, 2005

The present patent application was filed on December 5, 2005. On that date, a Preliminary Amendment was also filed in which, among other things, Applicant requested cancellation of claims 1-21 and entry of new claims 22-45. As the outstanding Office Action did not address the cancellation and addition of claims in the Preliminary Amendment, Applicant has prepared this response as if claims 22-45 are not present in the case; as a result, claim amendments and remarks in this Reply are directed to originally filed claims 1-21. Applicant respectfully requests acknowledgment of the current status of the claims.

Rejection under 35 U.S.C. § 102(b)

According to the Examiner, the Seyfang publication discloses the subject matter of independent claims 1 and 10. In response, Applicant respectfully submits that independent claims 1 and 10, as amended, are not anticipated by the Seyfang publication. The Examiner acknowledged this point in the outstanding Office Action. *See* Office Action at 3 (the Seyfang publication “does not disclose enriching the fluid current with at least one substance of higher specific density”). Therefore, Applicant requests that the rejection of these claims be withdrawn. Further, as claims 2-4, 7, 11, 12, 17, 19, and 21 depend directly or indirectly from one of independent claims 1 and 10, the rejection of these claims should also be withdrawn.

Rejection under 35 U.S.C. § 103(a)

According to the Examiner, the combination of the Seyfang publication and the Corbett patent renders dependent claims 6, 8, 9, 14-16, 18, and 20 obvious. In response, Applicant respectfully submits that the amendments to independent claims 1 and 10 render this rejection moot. In particular, neither the Seyfang publication nor the Corbett patent, alone or in combination, discloses or suggests that modifying the fluid current affects the deceleration/acceleration effect of the fluid current. Therefore, Applicant requests that the rejection of claims 6, 8, 9, 14-16, 18, and 20 be withdrawn.

The Examiner also asserted that the combination of the Seyfang publication and the Bertin patent renders dependent claim 13 obvious. In

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response, Applicant respectfully submits that the amendment to independent claim 10, from which claim 13 depends, renders this rejection moot. In particular, neither the Seyfang publication nor the Bertin patent, alone or in combination, discloses or suggests that modifying the fluid current affects the deceleration/acceleration effect of the fluid current. Therefore, Applicant requests that the rejection of claim 13 be withdrawn.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102167.57012US).

Respectfully submitted,

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